

2001 Assembly Bill 206

Date of enactment: **April 17, 2002**

Date of publication\*: **May 1, 2002**

## 2001 WISCONSIN ACT 80

AN ACT *to repeal* 457.30; *to renumber* 457.01 (1); *to renumber and amend* 15.405 (7c) (a), 457.08 (4) (c), 457.10 (3), 457.12 (3) (a), 457.12 (3) (b), 457.14 and 457.22; *to amend* 15.08 (1m) (b), 15.405 (7c) (c), 146.81 (1) (hg), 180.1901 (1m) (f), 252.14 (1) (ar) 7., 440.03 (14) (b), 440.03 (14) (c), 440.03 (14) (d), 440.03 (14) (e), 440.03 (14) (f), 450.10 (3) (a) 10., 457.01 (2), 457.01 (3), 457.01 (7), 457.01 (9), 457.01 (10), 457.02 (1) to (5), 457.03 (1), (2) and (3), 457.04 (2), (3) and (4), 457.04 (5), 457.04 (6), 457.06 (intro.) and (1), 457.08 (title), 457.08 (4) (intro.), 457.08 (4) (d), 457.09 (2) (a), 457.09 (5) (a), 457.10 (intro.), 457.12 (intro.), 457.13 (2), 457.15 (title), 457.15 (1) (intro.), 457.15 (1) (a), 457.15 (1) (b), 457.15 (1) (c), 457.15 (1) (d), 457.15 (2), 457.15 (3), 457.16 (1), 457.16 (2), 457.16 (3), 457.20 (1) and (2), 457.20 (3) (c), 457.20 (4), 457.25, 457.26 (2) (intro.), (a) and (b), 457.26 (2) (e), 457.26 (2) (g), 905.04 (1) (bm), 905.04 (1) (dm) and 905.04 (1) (g); *to repeal and recreate* 15.405 (7c) (title), chapter 457 (title) and 457.01 (8m); and *to create* 15.405 (7c) (am) (intro.), 15.405 (7c) (am) 3., 440.01 (2) (cv), 440.03 (14) (am), 440.08 (2) (a) 67x., 457.01 (1c), 457.01 (1n), 457.01 (1r), 457.01 (1w), 457.01 (2g), 457.01 (2r), 457.01 (8e), 457.02 (5m), 457.02 (6), 457.033, 457.035, 457.04 (7), 457.08 (4) (c) 1., 2., 3. and 4., 457.10 (3) (a), (b), (c) and (d), 457.11, 457.12 (3) (a) 1., 2., 3. and 4., 457.12 (3) (b) 1., 2., 3. and 4., 457.14 (1) (b), (c), (d), (e) and (f), 457.22 (1) (b) and (c) and 457.24 of the statutes; **relating to**: regulation of social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists, granting rule-making authority, and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:

15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board, respiratory care practitioners examining council, and council on physician assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining

board, the marriage and family therapy, professional counseling, and social work examining board of ~~social workers, marriage and family therapists and professional counselors,~~ and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

**SECTION 2.** 15.405 (7c) (title) of the statutes is repealed and recreated to read:

15.405 (7c) (title) MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD.

**SECTION 3.** 15.405 (7c) (a) of the statutes is renumbered 15.405 (7c) (a) (intro.) and amended to read:

\* Section 991.11, WISCONSIN STATUTES 1999-00 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

15.405 (7c) (a) (intro.) There is created ~~an a marriage and family therapy, professional counseling, and social work~~ examining board of social workers, marriage and family therapists and professional counselors in the department of regulation and licensing. ~~The consisting of the following~~ members of the examining board shall be appointed for 4-year terms. ~~Four;~~

1. ~~Four social worker~~ members shall be who are certified or licensed under ch. 457 as social workers. ~~Three members shall be certified under ch. 457 as.~~

2. ~~Three marriage and family therapists. Three therapist~~ members shall be certified under ch. 457 as who are licensed under ch. 457.

3. ~~Three professional counselors. Three members shall be~~ counselor members who are licensed under ch. 457.

4. ~~Three public members. Of the 4 certified social worker members, one shall be~~ who represent groups that promote the interests of consumers of services provided by persons who are certified or licensed under ch. 457.

(am) 1. ~~One member who is~~ certified under ch. 457 as an advanced practice social worker, ~~one shall be.~~

2. ~~One member who is~~ certified under ch. 457 as an independent social worker, ~~one shall be certified under ch. 457 as an independent clinical social worker and at.~~

4. ~~At least one shall be~~ member who is employed as a social worker by a federal, state or local governmental agency.

**SECTION 4.** 15.405 (7c) (am) (intro.) of the statutes is created to read:

15.405 (7c) (am) (intro.) The 4 members appointed under par. (a) 1. shall consist of the following:

**SECTION 5.** 15.405 (7c) (am) 3. of the statutes is created to read:

15.405 (7c) (am) 3. One member who is licensed under ch. 457 as a clinical social worker.

**SECTION 6.** 15.405 (7c) (c) of the statutes is amended to read:

15.405 (7c) (c) All matters pertaining to granting, denying, limiting, suspending, or revoking a certificate or license under ch. 457, and all other matters of interest to either the social worker, marriage and family therapist, or professional counselor section shall be acted upon solely by the interested section of the examining board.

**SECTION 7.** 146.81 (1) (hg) of the statutes is amended to read:

146.81 (1) (hg) A social worker, marriage and family therapist, or professional counselor certified or licensed under ch. 457.

**SECTION 8.** 180.1901 (1m) (f) of the statutes is amended to read:

180.1901 (1m) (f) Examining Marriage and family therapy, professional counseling, and social work examining board of social workers, marriage and family therapists and professional counselors under ch. 457.

**SECTION 9.** 252.14 (1) (ar) 7. of the statutes is amended to read:

252.14 (1) (ar) 7. A social worker, marriage and family therapist, or professional counselor certified or licensed under ch. 457.

**SECTION 10.** 440.01 (2) (cv) of the statutes is created to read:

440.01 (2) (cv) "Psychotherapy" has the meaning given in s. 457.01 (8m).

**SECTION 11.** 440.03 (14) (am) of the statutes is created to read:

440.03 (14) (am) The department may promulgate rules that establish requirements for granting a license to practice psychotherapy to a person who is registered under par. (a). Rules promulgated under this paragraph shall establish requirements for obtaining such a license that are comparable to the requirements for obtaining a clinical social worker, marriage and family therapist, or professional counselor license under ch. 457. If the department promulgates rules under this paragraph, the department shall grant a license under this paragraph to a person registered under par. (a) who pays the fee specified in s. 440.05 (1) and provides evidence satisfactory to the department that he or she satisfies the requirements established in the rules.

**SECTION 12.** 440.03 (14) (b) of the statutes is amended to read:

440.03 (14) (b) A person who is registered under par. (a) shall notify the department in writing within 30 days if an organization specified in par. (a) 1. a., 2. a. or 3. a. revokes the person's certification, registration, or accreditation specified in par. (a) 1. a., 2. a., or 3. a. The department shall revoke a certificate of registration granted under par. (a) if such an organization revokes such a certification, registration, or accreditation. If the department revokes the certificate of registration of a person who also holds a license granted under the rules promulgated under par. (am), the department shall also revoke the license.

**SECTION 13.** 440.03 (14) (c) of the statutes is amended to read:

440.03 (14) (c) The renewal dates for certificates granted under par. (a) and licenses granted under par. (am) are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee specified in s. 440.08 (2) (a) and evidence satisfactory to the department that the person's certification, registration, or accreditation specified in par. (a) 1. a., 2. a. or 3. a. has not been revoked.

**SECTION 14.** 440.03 (14) (d) of the statutes is amended to read:

440.03 (14) (d) The department shall promulgate rules that specify the services within the scope of practice of music, art, or dance therapy that a person who is regis-

tered under par. (a) is qualified to perform. The rules may not allow a person registered under par. (a) to perform psychotherapy unless the person is granted a license under the rules promulgated under par. (am).

**SECTION 15.** 440.03 (14) (e) of the statutes is amended to read:

440.03 (14) (e) Subject to the rules promulgated under sub. (1), the department may make investigations and conduct hearings to determine whether a violation of this subsection or any rule promulgated under par. (d) has occurred and may reprimand a person who is registered under par. (a) or holds a license granted under the rules promulgated under par. (am) or may deny, limit, suspend, or revoke a certificate of registration granted under par. (a) or a license granted under the rules promulgated under par. (am) if it the department finds that the applicant or certificate or license holder has violated this subsection or any rule promulgated under par. (d).

**SECTION 16.** 440.03 (14) (f) of the statutes is amended to read:

440.03 (14) (f) A person who is registered under par. (a) or holds a license granted under the rules promulgated under par. (am) who violates this subsection or any rule promulgated under par. (d) may be fined not more than \$200 or imprisoned for not more than 6 months or both.

**SECTION 17.** 440.08 (2) (a) 67x. of the statutes is created to read:

440.08 (2) (a) 67x. Registered music, art, or dance therapist with psychotherapy license: October 1 of each odd-numbered year; \$53.

**SECTION 18.** 450.10 (3) (a) 10. of the statutes is amended to read:

450.10 (3) (a) 10. A social worker, marriage and family therapist, or professional counselor certified or licensed under ch. 457.

**SECTION 19.** Chapter 457 (title) of the statutes is repealed and recreated to read:

#### CHAPTER 457

### MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD

**SECTION 20.** 457.01 (1) of the statutes is renumbered 457.01 (1g).

**SECTION 21.** 457.01 (1c) of the statutes is created to read:

457.01 (1c) “Advanced practice social worker” means an individual who holds an advanced practice social worker certificate granted by the social worker section.

**SECTION 22.** 457.01 (1n) of the statutes is created to read:

457.01 (1n) “Clinical social work” means providing services without supervision for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups, to restore, maintain, and enhance social functioning through treatment interven-

tions that include psychosocial evaluation, counseling of individuals, families, or groups, referral to community resources, advocacy, facilitation of organizational change to meet social needs, and individual, marital, or group psychotherapy.

**SECTION 23.** 457.01 (1r) of the statutes is created to read:

457.01 (1r) “Clinical social worker” means an individual who holds a license to practice clinical social work granted by the social worker section.

**SECTION 24.** 457.01 (1w) of the statutes is created to read:

457.01 (1w) “Credential” means a license or certificate granted under this chapter.

**SECTION 25.** 457.01 (2) of the statutes is amended to read:

457.01 (2) “Examining board” means the marriage and family therapy, professional counseling, and social work examining board ~~of social workers, marriage and family therapists and professional counselors.~~

**SECTION 26.** 457.01 (2g) of the statutes is created to read:

457.01 (2g) “Independent social worker” means an individual who holds an independent social worker certificate granted by the social worker section.

**SECTION 27.** 457.01 (2r) of the statutes is created to read:

457.01 (2r) “Licensee” means a person who is licensed under this chapter.

**SECTION 28.** 457.01 (3) of the statutes is amended to read:

457.01 (3) “Marriage and family therapist” means an individual who ~~practices~~ holds a license to practice marriage and family therapy granted by the marriage and family therapist section.

**SECTION 29.** 457.01 (7) of the statutes is amended to read:

457.01 (7) “Professional counselor” means an individual who ~~practices~~ holds a license to practice professional counseling granted by the professional counselor section.

**SECTION 30.** 457.01 (8e) of the statutes is created to read:

457.01 (8e) “Psychiatrist” means a physician licensed under subch. II of ch. 448 who specializes in psychiatry.

**SECTION 31.** 457.01 (8m) of the statutes is repealed and recreated to read:

457.01 (8m) “Psychotherapy” means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the

purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

**SECTION 32.** 457.01 (9) of the statutes is amended to read:

457.01 (9) "Social work" means applying psychosocial, ~~psychotherapeutic~~ or counseling principles, methods, or procedures in the assessment, evaluation, or psychosocial ~~or psychotherapeutic~~ diagnosis, prevention, treatment, or resolution of a difficulty in the social, psychological, personal, emotional, or mental disorder functioning of an individual, couple, family, group of individuals, or community, including the enhancement or restoration of, or the creation of societal conditions favorable to the enhancement or restoration of, the capacity of an individual, couple, family, group of individuals, or community for social functioning or the delivery of services to a group of individuals or a community to assist the group or community in providing or improving the provision of social or health services to others.

**SECTION 33.** 457.01 (10) of the statutes is amended to read:

457.01 (10) "Social worker" means an individual who ~~practices~~ holds a social work worker certificate granted by the social worker section.

**SECTION 34.** 457.02 (1) to (5) of the statutes are amended to read:

457.02 (1) Require any individual to be certified or licensed under this chapter in order to use the title "pastoral counselor", "investment counselor", "vocational counselor", "career counselor", "alcohol and drug counselor", ~~or~~ "chemical dependency counselor", or "employee assistance counselor," or to engage in such counseling, if the individual does not use any other title or designation that represents or may tend to represent that he or she is certified or licensed under this chapter, and does not represent himself or herself as an individual who engages in social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling.

(2) Require any individual who is licensed as a school social worker or school counselor by the department of public instruction to be certified ~~as a social worker or professional counselor~~ or licensed under this chapter in order to use the title "school social worker" or "school counselor".

(3) Require a person who is licensed as a psychologist under ch. 455 or who is a psychiatrist, ~~as defined in s. 146.34 (1) (h), to be certified as a marriage and family therapist or professional counselor~~ licensed under this chapter in order to use the title "marriage and family therapist", "marriage and family counselor," or "professional counselor" if the psychologist or psychiatrist does not use the term "licensed", "certified," or "registered" or any similar term in connection with the title "marriage and family therapist", "marriage and family counselor," or "professional counselor".

(4) Authorize any individual who is certified ~~as a social worker or professional counselor~~ or licensed under this chapter to use the title "school social worker" or "school counselor" unless the individual is licensed as a school social worker or school counselor by the department of public instruction.

(5) Authorize any individual who is certified or licensed under this chapter to use the title "alcohol and drug counselor" or "chemical dependency counselor" unless the individual is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department of health and family services.

**SECTION 35.** 457.02 (5m) of the statutes is created to read:

457.02 (5m) Authorize any individual who is certified or licensed under this chapter to treat alcohol or substance dependency or abuse as a specialty unless the individual is a substance abuse counselor, as defined in s. HFS 75.02 (84), Wis. Adm. Code, or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a substance abuse counselor under s. HFS 75.02 (84), Wis. Adm. Code.

**SECTION 36.** 457.02 (6) of the statutes is created to read:

457.02 (6) Require a credential for a person to do any of the following:

(a) Lawfully practice within the scope of a license, permit, registration, or certificate granted by this state or the federal government, or granted through a process recognized by the department of health and family services, including practicing psychotherapy under such a license, permit, registration, or certificate.

(b) Practice psychotherapy, if the person satisfies one of the following:

1. The person is registered as music, art, or dance therapist under s. 440.03 (14) (a) and the person holds a valid license granted by the department under s. 440.03 (14) (am).

2. The person is a mental health professional who meets all of the qualifications under s. HFS 61.96, Wis. Adm. Code, for employment as a mental health professional in an outpatient psychotherapy clinic certified by the department of health and family services under s. HFS 61.95, Wis. Adm. Code, if the person's practice of psychotherapy is a part of the duties for which he or she is employed by such a clinic and the person practices psychotherapy solely within the confines of or under the jurisdiction of the clinic.

(c) Provide a consultation or demonstration with an individual licensed under this chapter if the person providing the consultation or demonstration is licensed to practice marriage and family therapy, professional coun-

selling, or clinical social work in another state or territory of the United States.

**SECTION 37.** 457.03 (1), (2) and (3) of the statutes are amended to read:

457.03 (1) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for ~~certification as an independent licensure as~~ a clinical social worker, marriage and family therapist, or professional counselor under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards.

(2) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, promulgate rules establishing a code of ethics to govern the professional conduct of certificate holders. The rules shall specify the services included within the practice of social work, advanced practice social work, or independent social work that an individual who is certified under this chapter as a social worker, advanced practice social worker, or independent social worker or independent clinical social worker is qualified to may perform and the degree of supervision, if any, required to perform those services. ~~The rules may not permit a certificate holder to engage in psychotherapy unless the individual is certified under this chapter as an advanced practice social worker, independent social worker, independent clinical social worker, marriage and family therapist or professional counselor and has engaged in the equivalent of at least 2 years of full-time supervised social work, marriage and family therapy or professional counseling clinical practice after receiving the master's or doctorate degree required under s. 457.08 (3) (b) or (4) (b), 457.10 (2) or 457.12 (2).~~

(3) Upon the advice of the social worker section, promulgate rules establishing levels of advanced social work practice for individuals with master's or doctoral degrees in social work, in addition to the levels of practice for which certificates are granted under s. 457.08 (2) to (4) and (3), and establishing appropriate educational, training, experience, examination, and continuing education requirements for certification and renewal of a certificate at each level of practice established in rules promulgated under this subsection.

**SECTION 38.** 457.033 of the statutes is created to read:

**457.033 Psychometric testing.** The marriage and family therapy, professional counseling, and social work examining board and the psychology examining board shall jointly promulgate rules that specify the different levels of psychometric testing that an individual who is certified or licensed under this chapter is qualified to perform. Such rules shall be consistent with the guidelines of the American Psychological Association, or other

nationally recognized guidelines, for performing psychometric testing. A certificate holder or licensee may not engage in psychometric testing except as provided under the rules promulgated under this section.

**SECTION 39.** 457.035 of the statutes is created to read:

**457.035 Psychotherapy rules.** The examining board may not promulgate rules under s. 457.03 that permit an individual to engage in psychotherapy unless one of the following applies:

(1) The individual is licensed under this chapter as a clinical social worker, marriage and family therapist, or professional counselor.

(2) The individual is certified as an advanced practice or independent social worker and the individual engages in psychotherapy only under the supervision of an individual specified in s. 457.08 (4) (c) 1., 2., 3., or 4.

**SECTION 40.** 457.04 (2), (3) and (4) of the statutes are amended to read:

457.04 (2) Use the title "advanced practice social worker" unless the person is certified as an advanced practice social worker, ~~independent social worker or independent clinical social worker~~ under this chapter.

(3) Use the title "independent social worker" unless the person is certified as an independent social worker ~~or independent clinical social worker~~ under this chapter.

(4) Use Practice clinical social work or designate himself or herself as a clinical social worker or use or assume the title "independent clinical social worker" or "clinical social worker" or any other title or designation that represents or may tend to represent the person as a clinical social worker unless the person is certified licensed as an independent a clinical social worker under this chapter or unless the person is certified under this chapter as an advanced practice social worker or independent social worker and the person practices clinical social work under the supervision of a person who is licensed as a clinical social worker under this chapter.

**SECTION 41.** 457.04 (5) of the statutes is amended to read:

457.04 (5) Use Practice marriage and family therapy or designate himself or herself as a marriage and family therapist or use or assume the title "marriage and family therapist," "marriage and family counselor," or any similar other title or designation that represents or may tend to represent the person as a marriage and family therapist unless any of the following applies:

(a) The person is certified licensed as a marriage and family therapist under this chapter.

(b) The person is certified licensed as an independent a clinical social worker under this chapter and initially became certified as an independent clinical social worker under this chapter ch. 457, 1999 stats. on or before May 31, 1995.

**SECTION 42.** 457.04 (6) of the statutes is amended to read:

457.04 (6) Use Practice professional counseling or designate himself or herself as a professional counselor or use or assume the title "professional counselor," "professional rehabilitation counselor," "vocational rehabilitation counselor" or "rehabilitation counselor" or any similar other title or designation that represents or may tend to represent the person as a professional counselor unless the person is certified licensed as a professional counselor under this chapter.

**SECTION 43.** 457.04 (7) of the statutes is created to read:

457.04 (7) Practice psychotherapy unless the person is licensed under this chapter or unless the person is a certificate holder who may practice psychotherapy under the rules promulgated under ss. 457.03 and 457.035.

**SECTION 44.** 457.06 (intro.) and (1) of the statutes are amended to read:

**457.06 General requirements for certification or licensure.** (intro.) The social worker section, marriage and family therapist section, or professional counselor section may not grant any certificate or license under this chapter unless the applicant does all of the following:

(1) Submits an application for the certificate or license to the department on a form provided by the department.

**SECTION 45.** 457.08 (title) of the statutes is amended to read:

**457.08 (title) Social worker certificate and advanced practice certificates and licenses.**

**SECTION 46.** 457.08 (4) (intro.) of the statutes is amended to read:

457.08 (4) ~~INDEPENDENT CLINICAL~~ CLINICAL SOCIAL WORKER CERTIFICATE LICENSE. (intro.) The social worker section shall grant ~~an independent a~~ a clinical social worker ~~certificate~~ license to any individual who is certified under sub. (1) and does all of the following:

**SECTION 47.** 457.08 (4) (c) of the statutes is renumbered 457.08 (4) (c) (intro.) and amended to read:

457.08 (4) (c) (intro.) Submits evidence satisfactory to the social worker section that after receiving a master's or doctorate degree in social work he or she has engaged in the equivalent of at least ~~2 years of full-time supervised~~ 3,000 hours of clinical social work practice ~~approved by the social worker section, including at least 1,000 hours of face-to-face client contact, supervised by one of the following:~~

**SECTION 48.** 457.08 (4) (c) 1., 2., 3. and 4. of the statutes are created to read:

457.08 (4) (c) 1. An individual licensed as a clinical social worker who has received a doctorate degree in social work.

2. An individual licensed as a clinical social worker who has engaged in the equivalent of 5 years of full-time clinical social work.

3. A psychiatrist or a psychologist licensed under ch. 455.

4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the social worker section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the social worker section.

**SECTION 49.** 457.08 (4) (d) of the statutes is amended to read:

457.08 (4) (d) Passes an examination approved by the social worker section to determine minimum competence to practice as ~~an independent a~~ a clinical social worker as ~~specified in the rules promulgated under s. 457.03 (2) or passes an advanced clinical social work examination approved by the social worker section.~~

**SECTION 50.** 457.09 (2) (a) of the statutes is amended to read:

457.09 (2) (a) ~~A~~ Notwithstanding s. 457.04 (1), a social worker training certificate authorizes the holder to use the title specified in s. 457.04 (1) during the period in which the certificate is valid.

**SECTION 51.** 457.09 (5) (a) of the statutes is amended to read:

457.09 (5) (a) A social worker training certificate holder may take the national social work examination at any time before or after he or she completes the requirements under sub. (4).

**SECTION 52.** 457.10 (intro.) of the statutes is amended to read:

**457.10 Marriage and family therapist certificate license.** (intro.) The marriage and family therapist section shall grant a marriage and family therapist ~~certificate~~ license to any individual who does all of the following:

**SECTION 53.** 457.10 (3) of the statutes is renumbered 457.10 (3) (intro.) and amended to read:

457.10 (3) (intro.) Submits evidence satisfactory to the marriage and family therapist section that after receiving a master's or doctorate degree required under sub. (2) he or she has engaged in the equivalent of at least ~~2 years of full-time supervised clinical~~ 3,000 hours of marriage and family therapy practice ~~approved by the marriage and family therapist section, including at least 1,000 hours of face-to-face client contact, supervised by one of the following:~~

**SECTION 54.** 457.10 (3) (a), (b), (c) and (d) of the statutes are created to read:

457.10 (3) (a) An individual licensed as a marriage and family therapist who has received a doctorate degree in marriage and family therapy.

(b) An individual licensed as a marriage and family therapist who has engaged in the equivalent of 5 years of full-time marriage and family therapy practice.

(c) A psychiatrist or a psychologist licensed under ch. 455.

(d) An individual, other than an individual specified in par. (a), (b), or (c), who is approved by the marriage and family therapist section or satisfies requirements for supervision that are specified in rules promulgated by the

examining board upon the advice of the marriage and family therapist section.

**SECTION 55.** 457.11 of the statutes is created to read:

**457.11 Marriage and family therapist training certificate.** (1) The marriage and family therapist section shall grant a marriage and family therapist training certificate to any individual who does all of the following:

(a) Submits an application for the certificate to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Satisfies the requirements in s. 457.10 (2).

(d) Submits evidence satisfactory to the marriage and family therapist section that he or she is employed full-time, or has an offer of full-time employment, as a marriage and family therapist in a supervised marriage and family therapist practice or in a position in which the applicant will, in the opinion of the marriage and family therapist section, receive training and supervision equivalent to the training and supervision received in a full-time supervised marriage and family therapist practice.

(2) A marriage and family therapist training certificate is valid for 24 months or until the date on which the holder of the certificate ceases to be employed in a position specified in sub. (1) (d), whichever occurs first, and may not be renewed by the marriage and family therapist section. A marriage and family therapist training certificate authorizes the holder to use any title specified in s. 457.04 (5) and to practice marriage and family therapy within the scope of his or her training or supervision during the period in which the certificate is valid.

**SECTION 56.** 457.12 (intro.) of the statutes is amended to read:

**457.12 Professional counselor certificate license.** (intro.) The professional counselor section shall grant a professional counselor certificate license to any individual who does all of the following:

**SECTION 57.** 457.12 (3) (a) of the statutes is renumbered 457.12 (3) (a) (intro.) and amended to read:

457.12 (3) (a) (intro.) After receiving a master's degree in professional counseling or its equivalent, engaged in the equivalent of at least ~~2 years of full-time supervised clinical~~ 3,000 hours of professional counseling practice approved by the professional counselor section, including at least 1,000 hours of face-to-face client contact, supervised by one of the following:

**SECTION 58.** 457.12 (3) (a) 1., 2., 3. and 4. of the statutes are created to read:

457.12 (3) (a) 1. An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.

2. An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling practice.

3. A psychiatrist or a psychologist licensed under ch. 455.

4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the professional counselor section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the professional counselor section.

**SECTION 59.** 457.12 (3) (b) of the statutes is renumbered 457.12 (3) (b) (intro.) and amended to read:

457.12 (3) (b) (intro.) ~~After receiving~~ Received a doctorate degree in professional counseling or its equivalent, and, either during or after the doctorate degree program or its equivalent, engaged in the equivalent of at least ~~one year~~ 1,000 hours of full-time supervised clinical professional counseling practice ~~approved by the professional counselor section, supervised by one of the following:~~

**SECTION 60.** 457.12 (3) (b) 1., 2., 3. and 4. of the statutes are created to read:

457.12 (3) (b) 1. An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.

2. An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling practice.

3. A psychiatrist or a psychologist licensed under ch. 455.

4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the professional counselor section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the professional counselor section.

**SECTION 61.** 457.13 (2) of the statutes is amended to read:

457.13 (2) A professional counselor training certificate is valid for 24 months or until the date on which the holder of the certificate ceases to be employed in a position specified in sub. (1) (d), whichever occurs first, and may not be renewed by the professional counselor section. ~~A~~ Notwithstanding s. 457.04 (6), a professional counselor training certificate authorizes the holder to use any title specified in s. 457.04 (6) and to practice professional counseling within the scope of his or her training or supervision during the period in which the certificate is valid.

**SECTION 62.** 457.14 of the statutes is renumbered 457.14 (1) (intro.) and amended to read:

457.14 **Temporary certificates.** (1) (intro.) Upon application and payment of the fee specified in s. 440.05 (6), the appropriate section of the examining board may grant a temporary social worker, advanced practice social worker, independent social worker, clinical social worker, marriage and family therapist, or professional counselor certificate or license to any individual who ~~satisfies~~ does one of the following:

(a) Satisfies the requirements under s. 457.08 (1) (a) and (b), ~~457.10 (1) to (3) or 457.12 (1) to (3)~~ and has submitted an application to take the next available examination for certification under s. 457.08 (1) (c), ~~457.10 (4) or 457.12 (4)~~.

(2) A temporary certificate granted under ~~this section sub. (1)~~ is valid for a period designated by the appropriate section of the examining board, not to exceed 9 months, and may be renewed once by that section of the examining board.

**SECTION 63.** 457.14 (1) (b), (c), (d), (e) and (f) of the statutes are created to read:

457.14 (1) (b) Satisfies the requirements under s. 457.08 (2) (a) and (b) and has submitted an application to take the next available examination for certification under s. 457.08 (2) (c).

(c) Satisfies the requirements under s. 457.08 (3) (a) to (c) and has submitted an application to take the next available examination for certification under s. 457.08 (3) (d).

(d) Satisfies the requirements under s. 457.08 (4) (a) to (c) and has submitted an application to take the next available examination for licensure under s. 457.08 (4) (d).

(e) Satisfies the requirements under s. 457.10 (1) to (3) and has submitted an application to take the next available examination for licensure under s. 457.10 (4).

(f) Satisfies the requirements under s. 457.12 (1) to (3) and has submitted an application to take the next available examination for licensure under s. 457.12 (4).

**SECTION 64.** 457.15 (title) of the statutes is amended to read:

**457.15 (title) Reciprocal certificates and licenses.**

**SECTION 65.** 457.15 (1) (intro.) of the statutes is amended to read:

457.15 (1) (intro.) Upon application and payment of the fee specified in s. 440.05 (2), the social worker section shall may do all of the following:

**SECTION 66.** 457.15 (1) (a) of the statutes is amended to read:

457.15 (1) (a) Grant a social worker certificate to any individual who holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (1).

**SECTION 67.** 457.15 (1) (b) of the statutes is amended to read:

457.15 (1) (b) Grant an advanced practice social worker certificate to any individual who ~~is certified under par. (a) or under s. 457.08 (1) and who~~ holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social

worker section that tests knowledge of state law relating to advanced practice social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (2).

**SECTION 68.** 457.15 (1) (c) of the statutes is amended to read:

457.15 (1) (c) Grant an independent social worker certificate to any individual who ~~is certified under par. (a) or under s. 457.08 (1) and who~~ holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to independent social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (3).

**SECTION 69.** 457.15 (1) (d) of the statutes is amended to read:

457.15 (1) (d) Grant ~~an independent a~~ clinical social worker ~~certificate~~ license to any individual who ~~is certified under par. (a) or under s. 457.08 (1) and who~~ holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to clinical social work, if the social worker section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.08 (4).

**SECTION 70.** 457.15 (2) of the statutes is amended to read:

457.15 (2) Upon application and payment of the fee specified in s. 440.05 (2), the marriage and family therapist section shall may grant a marriage and family therapist ~~certificate~~ license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the marriage and family therapist section that tests knowledge of state law relating to marriage and family therapy, if the marriage and family therapist section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.10.

**SECTION 71.** 457.15 (3) of the statutes is amended to read:

457.15 (3) Upon application and payment of the fee specified in s. 440.05 (2), the professional counselor section shall may grant a professional counselor ~~certificate~~ license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the professional counselor section that tests knowledge of state law relating to professional counseling, if the professional counselor section determines that the requirements for obtaining the certificate or license in the other state or ter-

ritory are substantially equivalent to the requirements under s. 457.12.

**SECTION 72.** 457.16 (1) of the statutes is amended to read:

457.16 (1) The appropriate section of the examining board shall arrange for examinations for social worker, advanced practice social worker, independent social worker, ~~independent~~ clinical social worker, marriage and family therapist, and professional counselor certification and licensure to be conducted at least semiannually and at times and places determined by that section of the examining board, and shall provide public notice of each examination at least 90 days before the date of the examination.

**SECTION 73.** 457.16 (2) of the statutes is amended to read:

457.16 (2) Examinations shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling, as appropriate.

**SECTION 74.** 457.16 (3) of the statutes is amended to read:

457.16 (3) An individual is not eligible for examination unless he or she satisfies the requirements for certification or licensure under s. 457.08 (1) (a) ~~and (b)~~, (2) (intro.); and (a) ~~and (b)~~, (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1) ~~to (3) and (2)~~, or 457.12 (1) ~~to (3) and (2)~~ and, at least 30 days before the date of the examination, submits an application for examination to the department on a form provided by the department and pays the fee specified in s. 440.05 (1).

**SECTION 75.** 457.20 (1) and (2) of the statutes are amended to read:

457.20 (1) The department shall issue a certificate of certification or licensure to each individual who is certified or licensed under this chapter.

(2) The renewal dates for certificates and licenses granted under this chapter, other than ~~certificates granted under ss. 457.13 and 457.14~~ training certificates or temporary certificates or licenses, are specified under s. 440.08 (2) (a).

**SECTION 76.** 457.20 (3) (c) of the statutes is amended to read:

457.20 (3) (c) If the application is for renewal of a professional counselor ~~certificate~~ license that was originally granted as a professional counselor certificate under 1991 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the professional counselor section that the applicant continues to be employed by a federal, state, or local governmental agency as a professional counselor, professional rehabilitation counselor, vocational rehabilitation counselor, or rehabilitation counselor.

**SECTION 77.** 457.20 (4) of the statutes is amended to read:

457.20 (4) Renewal of an advanced practice social worker, independent social worker, or ~~independent~~ clinical social worker certificate or license automatically renews the individual's social worker certificate without payment of the renewal fee for the social worker certificate or completion of the continuing education requirements that would otherwise be required for renewal of a social worker certificate.

**SECTION 78.** 457.22 of the statutes is renumbered 457.22 (1) (intro.) and amended to read:

457.22 (1) (intro.) The examining board may ~~promulgate~~ do any of the following:

(a) Upon the advice of the social worker section, promulgate rules establishing requirements and procedures for ~~certificate holders~~ social workers, advanced practice social workers, independent social workers, and clinical social workers to complete continuing education programs or courses of study in order to qualify for renewal.

(2) The rules promulgated under sub. (1) may not require an individual to complete more than 30 hours of continuing education programs or courses of study in order to qualify for renewal. The appropriate section of the examining board may waive all or part of the requirements established in rules promulgated under this section if it determines that prolonged illness, disability, or other exceptional circumstances have prevented the individual from completing the requirements.

**SECTION 79.** 457.22 (1) (b) and (c) of the statutes are created to read:

457.22 (1) (b) Upon the advice of the marriage and family therapist section, promulgate rules establishing requirements and procedures for marriage and family therapists to complete continuing education programs or courses of study in order to qualify for renewal.

(c) Upon the advice of the professional counselor section, promulgate rules establishing requirements and procedures for professional counselors to complete continuing education programs or courses of study in order to qualify for renewal.

**SECTION 80.** 457.24 of the statutes is created to read:

**457.24 Professional liability insurance.** (1) Except as provided in sub. (2), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor under this chapter may not practice clinical social work, marriage and family therapy, or professional counseling unless he or she has in effect professional liability insurance. The examining board shall promulgate rules establishing the minimum amount of insurance required under this subsection.

(2) Subsection (1) does not apply to a person practicing clinical social work, marriage and family therapy, or professional counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties for which he or she is employed and is solely

within the confines of or under the jurisdiction of the agency by which he or she is employed.

**SECTION 81.** 457.25 of the statutes is amended to read:

**457.25 Reporting requirements.** (1) Any public or private mental health or health care agency, institution or facility, or any other person or entity that employs or contracts for services with a certificate credential holder, that terminates, suspends, or restricts the employment or contract of the certificate credential holder as a result of adverse or disciplinary action against the certificate credential holder relating to his or her practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling shall submit a written report of the action to the appropriate section of the examining board within 30 days after the date on which the action is taken or, if grounds for such an action exist and the certificate credential holder terminates his or her employment before the action is taken, within 30 days after the date on which the certificate credential holder terminates his or her employment.

(2) Any state or local professional society or organization of social workers, marriage and family therapists, or professional counselors that terminates, revokes, or suspends the membership of a certificate credential holder, or takes any other adverse or disciplinary action against a certificate credential holder relating to his or her practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling, shall submit a written report of the action to the appropriate section of the examining board within 30 days after the date on which the action is taken or, if grounds for such an action exist and the certificate credential holder terminates his or her membership before the action is taken, within 30 days after the date on which the certificate credential holder terminates his or her membership.

(3) Any insurer, as defined in s. 600.03 (27), who provides professional liability insurance coverage for a certificate credential holder and who pays a claim for damages arising out of the rendering of services by the certificate credential holder or obtains any information that tends to substantiate a charge that the certificate credential holder has engaged in conduct that constitutes grounds for discipline under s. 457.26 shall submit a written report of the payment or information to the appropriate section of the examining board within 30 days after the date on which the payment is made or information is obtained.

(4) Any circuit court that appoints a guardian of the person or estate of a certificate credential holder or makes a judgment or other determination that a certificate credential holder is mentally ill or mentally incompetent or that a certificate credential holder has done any of the acts enumerated in s. 457.26 (2) shall submit a written report

of the appointment, judgment, or determination to the appropriate section of the examining board within 30 days after the date on which the appointment, judgment, or determination is made.

(5) (a) Within 30 days after receipt of a report under sub. (1), (2), (3), or (4), the appropriate section of the examining board shall notify the certificate credential holder, in writing, of the substance of the report. The certificate credential holder and the certificate holder's his or her authorized representative may examine the report and may place into the record a statement, of reasonable length, of the certificate credential holder's view of the correctness or relevance of any information in the report. The certificate credential holder may institute an action in circuit court to amend or expunge any part of the certificate holder's his or her record related to the report.

(b) If the appropriate section of the examining board determines that a report submitted under sub. (1), (2), (3), or (4) is without merit or that the certificate credential holder has sufficiently improved his or her conduct, that section of the examining board shall remove the report from the certificate holder's his or her record. If no report about a certificate credential holder is filed under sub. (1), (2), (3), or (4) for 2 consecutive years, the certificate credential holder may petition the appropriate section of the examining board to remove any prior reports, which did not result in disciplinary action, from his or her record.

**SECTION 82.** 457.26 (2) (intro.), (a) and (b) of the statutes are amended to read:

457.26 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may reprimand a certificate credential holder or deny, limit, suspend, or revoke a certificate credential under this chapter if it finds that the applicant or certificate credential holder has done any of the following:

(a) Made a material misstatement in an application for a certificate credential or for renewal of a certificate credential.

(b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling.

**SECTION 83.** 457.26 (2) (e) of the statutes is amended to read:

457.26 (2) (e) Subject to ss. 111.321, 111.322, and 111.34, practiced social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling while his or her ability to practice was impaired by alcohol or other drugs.

**SECTION 84.** 457.26 (2) (g) of the statutes is amended to read:

457.26 (2) (g) Performed social work, advanced practice social work, or independent social work services in violation of the rules promulgated under s. 457.03 (2) or otherwise engaged in conduct while practicing social work, advanced practice social work, independent social work, clinical social worker, marriage and family therapy, or professional counseling which evidences a lack of knowledge or ability to apply professional principles or skills.

**SECTION 85.** 457.30 of the statutes is repealed.

**SECTION 86.** 905.04 (1) (bm) of the statutes is amended to read:

905.04 (1) (bm) "Marriage and family therapist" means an individual who is ~~certified~~ licensed as a marriage and family therapist under ch. 457 or an individual reasonably believed by the patient to be a marriage and family therapist.

**SECTION 87.** 905.04 (1) (dm) of the statutes is amended to read:

905.04 (1) (dm) "Professional counselor" means an individual who is ~~certified~~ licensed as a professional counselor under ch. 457 or an individual reasonably believed by the patient to be a professional counselor.

**SECTION 88.** 905.04 (1) (g) of the statutes is amended to read:

905.04 (1) (g) "Social worker" means an individual who is certified or licensed as a social worker, advanced practice social worker, independent social worker, or clinical social worker under ch. 457 or an individual reasonably believed by the patient to be a social worker, advanced practice social worker, independent social worker, or clinical social worker.

**SECTION 89. Nonstatutory provisions.**

(1) DEFINITIONS. In this SECTION:

(a) "Department" means the department of regulation and licensing.

(b) "Examining board" means the marriage and family therapy, professional counseling, and social work examining board.

(2) EXAMINING BOARD MEMBERSHIP. Notwithstanding section 15.405 (7c) (a) and (am) of the statutes, as affected by this act, a member of the examining board who was appointed on or before the effective date of this subsection may continue to serve as a member of the examining board until the end of his or her appointed term.

(3) TRANSITIONAL PROVISIONS.

(a) *Duties of examining board sections.* Notwithstanding sections 457.08 (4) (intro.), (c) (intro.), 1., 2., 3.,

and 4., and (d), 457.10 (intro.) and (3) (intro.), (a), (b), (c), and (d), 457.12 (intro.) and (3) (a) (intro.), 1., 2., 3., and 4. and (b) (intro.), 1., 2., 3., and 4., 457.14 (1), and 457.15 (1) (intro.), (a), (b), (c), and (d), (2), and (3) of the statutes, as affected by this act, on the effective date of this paragraph:

1. The social worker section of the examining board shall grant a clinical social worker license under section 457.08 (4) of the statutes, as affected by this act, to any person who holds a valid independent clinical social worker certificate that was granted by the social worker section of the examining board before the effective date of this subdivision.

2. The marriage and family therapist section of the examining board shall grant a marriage and family therapist license under section 457.10 of the statutes, as affected by this act, to any person who holds a valid marriage and family therapist certificate that was granted by the marriage and family therapy section of the examining board before the effective date of this subdivision.

3. The professional counselor section of the examining board shall grant a professional counselor license under section 457.12 of the statutes, as affected by this act, to any person who holds a valid professional counselor certificate that was granted by the professional counselor section of the examining board before the effective date of this subdivision.

4. The appropriate section of the examining board shall grant a temporary social worker, marriage and family therapist, or professional counselor license under section 457.14 (1) of the statutes, as affected by this act, to any person who holds a valid temporary social worker, marriage and family therapist, or professional counselor certificate that was granted by that section of the examining board before the effective date of this subdivision. A temporary license granted pursuant to this subdivision is valid only for the period of time designated by the section of the examining board for the temporary certificate granted to the person. If the temporary certificate was renewed once by the section, the temporary license may not be renewed.

(b) *Duty of department.* The department shall issue a certificate of licensure under section 457.20 (1) of the statutes, as affected by this act, to any person who is granted a license under paragraph (a).

**SECTION 90. Effective date.**

(1) This act takes effect on the first day of the 6th month beginning after publication.